

Remarks

This communication is considered fully responsive to the Office Action mailed February 1, 2005 and made Final (hereinafter referred to as the "Final Office Action"), and the Advisory Action mailed on June 10, 2005.

In the Final Office Action, claims 1-21 were examined. The objection to the specification regarding trademarks was withdrawn. Applicant believes that the objection to claims 1, 5, 17, and 20 are also withdrawn because these objections were not repeated in the Final Office Action. The Section 112 rejection of claims 3 and 12 were withdrawn. Applicant believes that the Section 112 rejection of claim 7 is also withdrawn because it was not repeated in the Final Office Action.

The Advisory Action states that the proposed amendments filed after final rejection were not entered because they raise new issues. Specifically, the Advisory Action notes that claims 1, 5, 8, 13, and 20 were amended to include a new limitation "an incoming transaction" that would require further consideration and search.

Claims 1-21 currently stand rejected. Applicant respectfully requests entry of the amendments, reexamination, and reconsideration of claims 1-21.

Examiner Interview No. 1

Applicant appreciates the telephone interview afforded the undersigned attorney, Mark Trenner, on March 14, 2005, with the examiner and her supervisor. During the telephone interview, Mr. Trenner explained that the independent claims (e.g., claim 1) are directed to prioritizing incoming

transactions and that the Nolan reference only discloses indicating a relative priority of a background hot copy process with respect to the data access requests from the client processor. Mr. Trenner also proposed an amendment substantially as shown in the above Listing of Claims.

The examiner said that she understood the distinction Mr. Trenner described, but would need to reconsider the amended claims in view of both the Nolan and Kanada references before she could indicate whether Applicant's claims would be allowable.

Examiner Interview No. 2

Applicant also appreciates the telephone interview afforded the undersigned attorney, Mark Trenner, on June 16, 2005, with the examiner. During the telephone interview, Mr. Trenner noted that box 1(a) on the Advisory Action was checked, and that the period for reply had already expired. The examiner noted the error and said that box 1(b) should have been checked. The examiner also said that she would mail a new Advisory Action to Applicant. Accordingly, Applicant believes the period for reply expires six months from the mailing date of the final rejection (i.e., August 1, 2005).

Support for Amendments

Claims 1, 5, 8, 13, and 20 are amended. Support for these amendments is provided in the specification, e.g., at p.7, line 29 to p.8, line 12.

Applicant's Arguments

Applicant hereby incorporates by reference all of the arguments previously presented in the Response to the first Office Action, filed on November 3, 2004, and those presented in the Response to the Final Office Action, filed on March 21, 2005.

Conclusion

The Applicant respectfully requests that a timely Notice of Allowance be issued in this matter.

Respectfully Submitted,

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By: Mark D. Trenner

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